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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,941	01/29/2001	Riccardo Migliaccio	B-4091 618544-2	7878

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LADAS & PARRY  
Suite 2100  
5670 Wilshire Boulevard  
Los Angeles, CA 90036-5679

EXAMINER
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PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

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DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/771,941

Applicant(s)

MIGLIACCIO, RICCARDO

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. New corrected drawings are required in this application because the language in the figures is inconsistent with the specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al (US006563805B1).

With respect to claim 5, Ma discloses a transceiver apparatus (see figure 1) comprising:

A radio receiver compatible with the RDS standard (item 8), apt to receive a signal according to the RDS standard; a signal-coding unit that connected to said radio receiver (item 14); and a transmission unit connected to said signal coding unit (item 14), apt to transmit the

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output signal emitted as output by said signal coding unit (see figure 2 and 3, column 3 and lines 5-43).

4. Claims 1-4, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Engelmayer et al (US006018313A).

With respect to claim 1 and 8, Engelmayer discloses a signal coding unit (see figure 2 and item 70), to be used with a radio transceiver compatible with the RDS standard, receiving as input an input signal according to the RDS standard comprising not-indicative information about said radio receiver, and emitting as output an output signal, characterized in that it comprises signal-combining means for combining at least one portion of said input signal with a signal component comprising indicative information about said radio receiver, the combination between at least one portion of said input signal and said signal component being said output signal (see column 3 and lines 37-56).

With respect to claim 2 and 9, Engelmayer further discloses that said signal comprising:

A signal component comprising indicative information about transmission date and time of said input signal (see column 4 and lines 45);

A signal component comprising said indicative information about said radio transceiver therefrom said input signal is transmitted (see column 4 and lines 10-14)

A signal component comprising indicative information about a source transmission station of said input signal (see column 4 and line 44)

A signal component, comprising indicative information about an excerpt transmitted by said source transmission station (see column 4 and lines 37-38).

With respect to claim 3 and 10, Engelmayer further discloses that one of the signal component comprises one or more data blocks, each of said block being constituted by a bit sequence apt to represent a portion of said indicative information about said radio transceiver therefrom said input signal is transmitted (see figure 4).

With respect to claim 4 and 11, Engelmayer further discloses a signal component comprising indicative information about a list of preferred pieces (see column 4 and line 42).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6,7,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al (US006563805B1) in view of Patsiokas (US006493546B2).

With respect to claim 6, Ma discloses a memory unit to store RDS data and a switching device apt to control the reception switching between the first and second tuner comprising RDS data related to said second frequency with the RDS data stored in the memory unit (see figure 1 and column 3 and lines 22- column 4 and lines 10).

Ma doesn't disclose a first tuner to select and receive a first frequency; a second tuner to select, where receiving said first, frequency, a second frequency different from the first frequency and not belonging to the AF list of the frequencies alternative to the first frequency

Pastiokas discloses that said radio receiver includes a piece-searching system (see figure 3 and item 58 and 60), which comprising:

A first tuner to select and receive a first frequency;

A second tuner to select, where receiving said first, frequency, a second frequency different from the first frequency and not belonging to the RF list of the frequencies alternative to the first frequency (see column 4 and lines 46-63);

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Ma with Pastiokas such that the user is able to record the useful information for playback.

With respect to claims 7 and 13, the examiner takes "Official Notice" that it is well-known in the art to adopt a GSM type data transmission standard, in order to transmit data within GSM telecommunication system.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to adopt a GSM type data transmission standard to transmit data within GSM system.

With respect to claim 12, Ma discloses a system for receiving radio-transmitted data comprising:

A receiving unit apt to receive a signal coming from at least one of said receivers;

A signal-decoding unit connected to said receiving unit (see figure 1 and item 8);

A control unit, connected to said signal-decoding unit, apt to control capturing, storing, processing and monitoring of signals coming from said signal decoding unit (see figure 1 and item 16);

A storing unit, connect to said control unit, apt to store data coming from said control unit (see figure 1 and item 10);

A processing unit, connect to said control unit, apt to perform statistical-type calculation on data sent by said control unit (see figure 1 and item 26).

With respect to claim 14 and 15, Ma further discloses that said statistical-type calculations on data provided by said control unit are performed in real time and in historical mode by said processing unit (see column 3 and lines 22-42).


### *Conclusion*


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang et al (US006088577A) discloses multiple subcarrier communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
Yuwen Pan  
October 31, 2003

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

11/3/03